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2/6/02

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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**Harry E. Williams,
Plaintiff**

v

**Pennsylvania Turnpike Commission,
Defendant**

: CASE NO. 1:CV-01-⁸⁷⁷0357

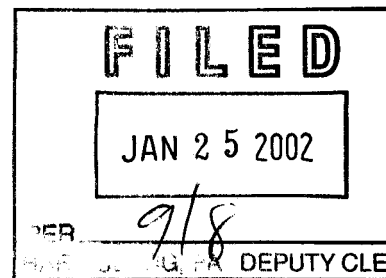
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: JUDGE RAMBO

:

: JURY TRIAL DEMANDED



JOINT CASE MANAGEMENT PLAN

Instructions: In many cases there will be more parties in the action than there are spaces provided in this form. Each party shall provide all requested information. If the space on this form is not sufficient, the form should be retyped or additional pages attached.

No party may submit a separate Case Management Plan. Disagreements among parties with respect to any of the matters below shall be set forth in the appropriate section.

Having complied with the meet and confer requirements set forth in the LOCAL RULES, or with any orders specifically modifying their application in the above-captioned matter, the parties hereby submit the following Joint Case Management Plan.

1. Principal Issues

1.10 Separately for each party, please give a statement summarizing this case:

By plaintiff(s):

Plaintiff filed a pro se complaint arising out of his being refused a promotion in retaliation for his having opposed the discriminatory treatment of a co-worker.

By defendant(s):

Plaintiff alleges he was refused a management position, Duty Officer, in retaliation for allegedly opposing the alleged discriminatory treatment of a co-worker. Defendant denies that it retaliated against Plaintiff in any respect. To the contrary, Plaintiff was denied a Duty Officer position based solely on legitimate and non-discriminatory reasons; he was not the most qualified individual for a position.

The principal factual issues that the parties dispute are:

1.11 **Generally, it is disputed whether plaintiff was retaliated against based on his alleged opposition to what he considered to be discriminatory treatment of a co-worker. Defendant asserts that Plaintiff was not the most qualified applicant for a Duty Officer position.**

1.20 Agree upon are:

The parties agree that Plaintiff applied for and did not receive the Duty Officer position.

1.30 The principal legal issues that the parties dispute are:

Unknown at this time.

1.40 Agree upon are: **Unknown at this time.**

1.50 Identify any unresolved issues as to service of process, personal jurisdiction, subject matter jurisdiction, or venue: **None.**

1.60 Identify any named parties that have not yet been served: **None.**

1.70 Identify any additional parties that:

plaintiff(s) intends to join: **Plaintiff intends to add individual Defendants pursuant to 42 U.S.C 1983.**

defendant(s) intends to join: **None.**

1.80 Identify any additional claims that:

plaintiff(s) intends to add: **Plaintiff intends to assert claims pursuant to 42 U.S.C. 1983.**

defendant(s) intends to add: **None.**

2.0 Alternative Dispute Resolution ("ADR")

2.10 Identify any ADR procedure to which this case already has been assigned or which the parties have agreed to use.

ADR procedure: **None to date.**

Date ADR to be commenced: **N/A**

Date ADR to be completed: **N/A**

2.20 If the parties have been unable to agree on an ADR procedure, but one or more parties believes that the case is appropriate for such a procedure, identify the party or parties that recommend ADR and the specific ADR process recommended:

2.30 If all parties share the view that no ADR procedure should be used in this case, set forth the basis for that view:

This case has already been the subject of a PHRC investigation. Nevertheless, Plaintiff still continues to pursue his allegations of retaliation. Accordingly, it is unlikely that ADR will be of further assistance.

3.0 Consent to Jurisdiction by a Magistrate Judge

Indicate whether all parties agree, pursuant to 28 U.S.C. § 636(c)(1), to have a magistrate judge preside as the judge of the case with appeal lying to the United States Court of Appeals for the Third Circuit:

All parties agree to jurisdiction by a magistrate judge of this court: ☐ Y ☒ N.

If parties agree to proceed before a magistrate judge, please indicate below which location is desired for the proceedings:

☐ Scranton
☐ Wilkes-Barre
☐ Harrisburg

4.0 Disclosures

4.100 Separately for each party, list by name and title/position each person whose identity has been disclosed.

4.101 Disclosed by Defendant: **None to date.**

<u>Name</u>	<u>Title/Position</u>
4.102 Joseph Sullivan	Former Manager, Safety & Operations Center
4.103 William Capone	Director of Marketing
4.104 J. Rispoli	Manager Customer Safety
4.105 G. Rausch	Duty Officer
4.106 Angela Rudy	Duty Officer
4.107 Dale Wickard	Duty Officer
4.108 Fred Jumper	Duty Officer
4.109 Ronald Frank	Former Employee
4.110 Diane Jordan	Duty Officer
4.111 Joanne Gitto Davis	Director Human Resources

4.151 Disclosed by Plaintiff: **None to date.**

<u>Name</u>	<u>Title/Position</u>
4.152 Plaintiff	
4.153 Terry Edwards	Former co-worker

4.154 Witnesses disclosed by Defendant

4.200 Separately for each party, describe by categories the documents that have been disclosed or produced through formal discovery, indicating which categories relate (even if not exclusively) to damages:

4.201 Categories of documents disclosed by Defendant: **None to date.**

4.251 Categories of documents disclosed by Plaintiff:

4.252 Any discoverable documents that exist.

4.300 Additional Documents Disclosures: Separately for each party, describe each additional category of documents that will be disclosed without imposing on other counsel the burden of serving a formal request for production of documents:

4.301 Additional categories of documents Defendant will
disclose: (party)

4.302: Plaintiff's personnel file

4.303: Documents concerning Plaintiff's application for the
Duty Officer position, if any.

4.304 Documents concerning the reasons Plaintiff was not
selected for the Duty Officer position, if any.

4.305 Documents concerning Plaintiff's PHRC claim.

4.351 Additional categories of documents Plaintiff will
disclose: (party)

4.352 Any discoverable documents that Plaintiff learns exist.

4.400 Separately for each party who claims an entitlement to damages or an
offset, set forth the computation of the damages or of the offset:

4.401 plaintiff's calculation of damages: Unknown

4.402 defendant's calculation of offset: Unknown

4.403 counter claimant/third party claimant's calculation of damages:

N/A

5.0 Motions

Identify any motion(s) whose early resolution would likely have a significant
effect either on the scope of discovery or other aspects of the litigation:

<u>Nature of Motion</u>	<u>Moving Party</u>	<u>Anticipated Filing Date</u>
Motion for Summary	Defendant	Upon the close of Discovery

6.0 Discovery

6.100 Briefly describe any discovery that has been completed or is in progress:

By plaintiff(s): **None to date.**

By defendant(s): **Self-Executing Disclosures, Requests for Production and Interrogatories. Plaintiff's deposition has also been noticed.**

6.200 Describe any discovery that all parties agree should be conducted, indicating for each discovery undertaking its purpose or what kinds of information will be developed through it (e.g., "plaintiff will depose Mr. Jones, defendant's controller, to learn what defendant's revenue recognition policies were and how they were applied to the kinds of contracts in this case"): **Defendant will depose Plaintiff concerning all allegations in his Complaint and alleged damages. Plaintiff will depose certain of Defendant's witnesses relative to all his claims.**

6.300 Describe any discovery that one or more parties want(s) to conduct but to which another party objects, indicating for each such discovery undertaking its purpose or what kinds of information would be developed through it: **N/A**

6.400 Identify any subject area limitations on discovery that one or more parties would like imposed, at the first stage of or throughout the litigation: **Unknown at this time.**

6.500 For each of the following discovery tools, recommend the per-party or per-side limitation (specify a number) that should be fixed, subject to later modification by stipulation or court order on an appropriate showing (where the parties cannot agree, set forth separately the limits recommended by plaintiff(s) and by defendant(s)):

6.501 depositions (excluding experts) to be taken by:

plaintiff(s): **10** defendant(s): **10**

6.502 interrogatories to be served by:

plaintiff(s): **25** defendant(s): **25**

6.503 document production requests to be served by:

plaintiff(s): **25**

defendant(s): **25**

6.504 requests for admission to be served by:

plaintiff(s): **50**

defendant(s): **50**

6.600 All discovery commenced in time to be completed by: **July 31, 2002**

6.700 Reports from retained experts due:

from plaintiff(s) by: **August 16, 2002**

from defendant(s) by: **September 15, 2002**

6.800 Supplementations due: **September 29, 2002**

7.0 Protective Order

7.1 If entry of a protective order is sought, attach to this statement a copy of the proposed order. **N/A**

7.2 If there is a dispute about whether a protective order should be entered, or about certain terms of the proposed order, briefly summarize each party's position below: **N/A**

8.0 Certification of Settlement Authority (All Parties Shall Complete the Certification)

I hereby certify that the following individual(s) have settlement authority.

For Defendant:

Name: Heather Sharp

Title: Assistant Counsel, Pennsylvania Turnpike Commission

**Address: P.O. Box 67676, Administration Building, Harrisburg, PA
17106-7776**

Daytime Telephone: (717) 939-9551

For Plaintiff:

Name: Harry Williams

Title: Plaintiff

Address: c/o Counsel

9.0 Scheduling

9.1 This case may be appropriate for trial in approximately:

 240 Days from the filing of the action in this court

 ✓ 365 Days from the filing of the action in this court

 Days from the filing of the action in this court

9.2 Suggested Date for Trial:

November 2002

9.3 Suggested Date for the final Pretrial Conference:

November 1, 2002

9.4 Final date for joining additional parties:

Plaintiff(s): Plaintiff reserves the right to join parties as permitted by
law

February 15, 2002 Defendants(s)

9.5 Final date for amending pleadings:

Plaintiff(s): Plaintiff reserves the right to amend his pleadings as
permitted by law.

February 15, 2002 Defendants(s)

9.6 All potentially dispositive motions should be filed by:

August 30, 2002

10.0 Other Matters

Make any other suggestions for the case development process, settlement, or trial that may be useful or necessary to the efficient and just resolution of the dispute.

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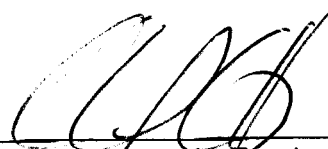
11.0 Identification of Lead Counsel

Identify by name, address, and telephone number lead counsel for each party

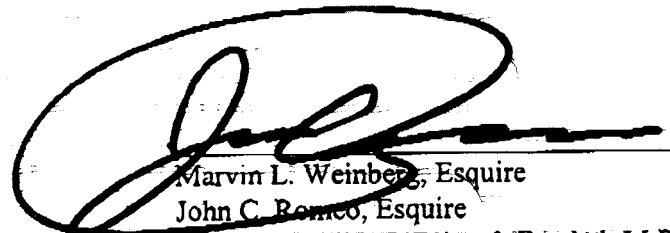
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Attorneys for Defendant Pennsylvania Turnpike Commission

Dated: 


Andrew Ostrowski, Esquire
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Attorney for Plaintiff

Dated: January 25, 2002


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